



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 21, 2019

The Honorable Adam Schiff
Chairman
House Permanent Select Committee on Intelligence
Washington, D.C. 20510

Dear Chairman Schiff:

We write regarding your May 16, 2019 letter, which addressed the offer of the Department of Justice (1) to allow all members of your Committee to review the minimally redacted version of Volume I of Special Counsel Robert S. Mueller's confidential report to the Attorney General and then (2) to identify an initial tranche of specific materials for prioritized review and disclosure by the Department. This proposal would allow each member of the Committee an opportunity to view almost the entirety of Volume I of the report and, as described below, would establish a process whereby members would receive the opportunity to review the underlying documents that the Committee identifies as most necessary to its counterintelligence oversight work.

It was therefore surprising to hear that the Committee viewed our proposal as "unacceptable." That proposal arose directly from what had appeared to be productive discussions with the Committee staff and reflected the Department's good-faith effort to accommodate the Committee's interest for information relating to the Special Counsel's intelligence-related work. We were also disappointed to learn that the Committee has noticed a business meeting for tomorrow at which, based on your public statements, the Committee may take some sort of "enforcement action" against the Attorney General relating to the subpoena served by the Committee on May 8, 2019 (Subpoena). To be clear, should the Committee take the precipitous and unnecessary action of recommending a contempt finding or other enforcement action against the Attorney General, then the Department will not likely be able to continue to work with the Committee to accommodate its interests in these materials.

We hope that such a step will not prove necessary because there is no reason why the Department and the Committee cannot work out an accommodation that would meet both of our legitimate needs. Your May 16, 2019 letter mischaracterizes many aspects of our prior letter and the good faith offer it set forth. While an item-by-item accounting of those mischaracterizations is outside the scope of this letter, we seek to clarify several key points. As we have explained, the materials potentially responsive to the Committee's Subpoena are voluminous, not to mention highly sensitive. Before making any documents available to the Committee, the Department would

be obliged to identify and review the responsive materials. The Department also operates under court rules and orders that require the protection of portions of the redacted materials within the Special Counsel's report. Notwithstanding the concerns expressed above, the Department is willing to work with the Committee on a reasonable and realistic process to accommodate its request for information pertaining to counterintelligence and foreign-intelligence activities related to the Special Counsel's investigation.

As we have previously stated, in recognition of the Committee's interest in counterintelligence and foreign-intelligence matters, the Department is willing to expedite access to the prioritized information identified by the Committee, provided that the Committee confirms today that it will not pursue any vote on an "enforcement action," either on May 22, or while such good-faith accommodation measures continue. We regard our proposal here as essentially accepting the Committee's proposal in its May 14, 2019 letter, subject only to the necessary delay required by the Department to identify and review the relevant materials, a process that will be done as expeditiously as possible.

The Department remains willing to make a minimally redacted version of Volume I of the Special Counsel's confidential report available to all members of your Committee on the terms set forth in our prior letter. While the Department had believed the Committee's review of the minimally redacted version of Volume I of the Special Counsel's report would inform the Committee's selection of prioritized documents, the Committee's May 16, 2019 letter seems to decline this opportunity. It is difficult to understand why the Committee would refuse to review information made available by the Department that directly relates to the subject matter that it purports to be investigating—especially in light of the fact that this review would satisfy nearly all of Request I in your Subpoena. Nonetheless, regardless of whether the Committee actually reviews the minimally redacted report, the Department is willing to move forward with efforts to accommodate the Committee's legitimate interests in this area.

As noted above, the Department is also willing to continue its ongoing review of the initial tranche of prioritized requests for twelve categories of documents we previously received from the Committee. The Department has already begun the process of identifying, locating, and reviewing the materials potentially responsive to the categories of documents identified in Attachment A of your May 14, 2019 letter—a process that will not continue should the Committee take the unnecessary and unproductive step of moving to hold the Attorney General in contempt. While the Department will need a reasonable amount of time to process and review these twelve categories of documents and to consult with other members of the intelligence community regarding our intent to share them with the Committee, we believe that the Department may be in a position to discuss making them available to the Committee in relatively short order.

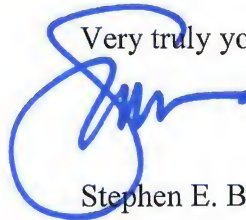
To that end, should the Committee believe it useful and upon confirmation that no contempt vote will be pursued tomorrow or while good faith accommodation ensues, the Department would be willing to host a meeting with the Committee's senior staff on May 23 or May 24 to discuss each of the Committee's twelve specific requests, including the timeline and the status of this review. Once we have completed that review, "the Department will provide Committee members

and designated staff an opportunity to conduct an *in camera* review of those documents to the extent it can do so, and following that review, the Department would be prepared to make additional accommodations with respect to further tranches of specific requests from the Committee.”¹

Additionally, as noted above, the Department’s previous offer for review of the minimally redacted version of Volume I of the Special Counsel’s report remains operative. We are providing the same opportunity to the Senate Select Committee on Intelligence. As you know, our letter outlined a procedure by which the Committee could retain two copies of the report in the Committee’s secure space until June 14, 2019, and thereafter the Department would facilitate *in camera* reviews of the material at the Department. If the Committee declines to participate in this arrangement, the Department will be pleased to host Committee members and designated staff on an individual basis for *in camera* reviews of the minimally redacted version of Volume I in a secure reading room at the Department.

The proposal set forth above represents a good faith effort and extraordinary accommodation of the Committee’s request for information by proposing a realistic process to provide the Committee with information pertaining to counterintelligence and foreign-intelligence activities related to the Special Counsel’s investigation. We look forward to your response.

Very truly yours,



Stephen E. Boyd
Assistant Attorney General

Cc: The Honorable Devin Nunes
Ranking Member

¹ Letter from Assistant Attorney General Stephen E. Boyd to Chairman Adam B. Schiff, May 15, 2019.